

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LELAND T. TAYLOR,

Plaintiff,

v.

No. 1:20-cv-00501-KK

DAN ROBLES, et al.

ROBLES & ANAYA, P.C.

Defendants.

MEMORANDUM OPINION AND ORDER
DENYING MOTION FOR DEFAULT JUDGMENT

THIS MATTER comes before the Court on Plaintiff's Motion for Default Judgment, Doc. 4, filed May 28, 2020.

Plaintiff seeks a default judgment against Defendant stating: "Defendant was noticed, and further, Defendant has not had entered an entry of appearance for any defense counsel." Motion for Default Judgment at 1.

The Court denies Plaintiff's Motion for Default Judgment. The Court has determined that Plaintiff has not met his burden of showing that the Court has subject-matter jurisdiction over this matter and granted Plaintiff leave to file an amended complaint which shows that the Court has subject-matter jurisdiction over this matter. *See* Order to Show Cause, Doc. 3, filed May 27, 2020. Plaintiff has not filed an amended complaint which shows that the Court has subject-matter jurisdiction over this matter. Without subject-matter jurisdiction, the Court cannot grant a motion for default judgment. *See Brereton v. Bountiful City Corp.*, 434 F.3d 1213, 1218 (10th Cir. 2006) ("[D]ismissals for lack of jurisdiction should be without prejudice because the court, having determined that it lacks jurisdiction over the action, is *incapable* of reaching a disposition on the merits of the underlying claims.").

Furthermore, there is nothing in the record that shows Plaintiff has properly served Defendant. *See* Fed. R. Civ. P. 4(l)(1) (“Unless service is waived, proof of service must be made to the court”).

The Court notifies Plaintiff that:

Generally, *pro se* litigants are held to the same standards of professional responsibility as trained attorneys. It is a *pro se* litigant’s responsibility to become familiar with and to comply with the *Federal Rules of Civil Procedure* and the *Local Rules of the United States District Court for the District of New Mexico* (the “Local Rules”).

Guide for Pro Se Litigants at 4, United States District Court, District of New Mexico (November 2019). The Local Rules, the Guide for Pro Se Litigants and a link to the Federal Rules of Civil Procedure are available on the Court’s website: <http://www.nmd.uscourts.gov>.

IT IS ORDERED that Plaintiff’s Motion for Default Judgment, Doc. 4, filed May 28, 2020, is **DENIED**.



KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE